1950

File No. B. Cattle Trespass

Legal Deptt.

B **BRANCH**

Subject:— L.A. Bill No XXXIII of 19

A Bill to amend the Cattle Trespass Act 1871 in its application to the State of Bombay and Bombay District Police Act 1890

Bom. Act No. XXXIV of 1950

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File No. B. Cattle Trespass/50 and Dist. Police

Gen. 194 e.

808-B

Legal Department.

Revised draft Bill is sent herewith. As desired a provision has been included in the Bill to authorise the levy of higher fees when the cattle of the same owner are impounded more than once or when the number of cattle impounded belongs to the same owner and is large. The proposal made in the linked file 2629/5 for amendment of section 10 of the Cattle trespass Act, has been included as clause 2(1) in the revised draft Bill.

2. In the draft S.O.R. at page 41 ante, the second sentence of the second paragraph is not appropriate and has been deleted. By making the offence cognizable it is the owner or person in charge of the cattle who can be arrested without warrant. This provision is not intended to facilitate seizure of cattle.

3. The subject matter of the Bill falls under entries 2 and 16 in List II and entry 2 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are not repugnant to the provision of any existing law relating to any matter in the concurrent list, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

Sd/.....26/5.

Additional Secretary to Government.

9/1/47

U.O. to L.D.No. 7259 dated the 26th May 1947.

DTP. 7/6. 5m.

IMMEDIATE. 7. No. 178-L.
Legal Department,
Council Hall, Poona, 24th October 1950.

From

Shri J.R.Dhurandhar,

Additional Secretary to the Government of Bombay,

Legal Department.

To

The Secretary to the Governor of Bombay.

Subject: The Cattle- trespass and Bombay District Police(Amendment) Bill, 1950.

Sir,

With reference to article 2000 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Cattle- trespass and Bombay District Police (Amendment) Bill, 1950, which was read for the third time and passed at the meeting of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th September 1950 and the 10th October 1950 respectively.

2. The subject- matter of the Bill falls under entries 2 and 16 in List II and entry 2 in List III in the Seventh Schedule to the Constitution of India. As the Bill does not contain any provision repugnant to the provisions of any earlier law made by Parliament or an existing law with respect to any of the matters enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

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4. I also forward herewith once copy of each of the ~~six~~ items Nos.1 , 2 and 4 .

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.

2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.

3. Bill as read for the third time and passed by the Bombay Legislative Council.

4. Extracts from the proceedings of the Bombay ~~Leg~~ Legislative Assembly dated the 26th September 1930 and of the Bombay Legislative Council dated the 10th October 1930.

and two copies of item No.3 of the papers noted in the margin. The Bill was not referred a Select Committee.

Yours faithfully,

Sd/.....24/10.

Additional Secretary to Government.

Through:

The Secretary to the Government of Bombay.
Home Department.

DIR.
7/6.
56.

No. G.S. - 3273.

From

Shri L.M.Nadkarni, I.C.S.

Secretary to the Governor of Bombay.

To

The Additional Secretary to the Government of Bombay,

Legal Department.

Government House.

Bombay (6), October 31, 1950.

Subject: The Cattle - trespass and Bombay District Police (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 178- L dated October 24, 1950, I am to return herewith the authentic copy of the Cattle- trespass and Bombay District Police (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/.....

Secretary to the Governor of Bombay.

DTR.

7/6.

5e.

ACTS. Publication of the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 1543.

Bombay Castle, 4th November 1950.

Letter to the Secretary to the Governor, No.178-L dated the 26th October 1950.

Letter from the Secretary to the Governor No. G.S. 3273, dated the & 31st October 1950.

" With reference to your letter No. 178-L, dated October 24, 1950. & I am to return herewith the authentic copy of the Cattletrespass and Bombay District Police (Amendment) Bill, 1950. with his Excellency the Governor's Assent signified thereon

RESOLUTION:- The law should be published as Bombay Act No. XXXV of 1950, in the Bombay Government Gazette dated the 6th November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department with reference to the Memorandum from that Department No. 332/6-E, dated the 4rd August 1950.

By order of the Governor of Bombay,

S.L.Chaudhari.

Assistant Secretary to Government.

To

& Copies Extra.

BYR. 7/6. 5c.

Registered No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
FRIDAY, 11TH AUGUST 1950.
Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXXIII OF 1950.

A Bill to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1871. Bom. IV of 1890.

1. This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950. Short title.

I of 1871.

2. In the Cattle-trespass Act, 1871,— Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.

(*1*) in section 10, after the words "or any part thereof" the following shall be inserted, namely :—

Bom. VI of 1933.

"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933, or any person authorised by the State Government in this behalf, either by name or by virtue of office," ;

(*2*) in section 12,—

(*a*) the words "head of" shall be deleted ;

(*b*) for the words "Different scales may be prescribed for different local areas" the following shall be substituted, namely :—

"Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded and different scales may be prescribed for different local areas." ;

(*3*) in section 26,—

(*a*) the first paragraph shall be numbered as sub-section (*1*) of that section ;

(*b*) after sub-section (*1*) so numbered, the following sub-sections shall be inserted, namely :—

"(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ;

(*b*) that the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it was a fine imposed under this section." ;

(*c*) the second paragraph shall be numbered as sub-section (*4*) of that section and in sub-section (*4*) so numbered the words "the foregoing portion of" shall be deleted ;

(*4*) after section 28, the following section shall be inserted, namely :—

Offence under section 26 to be cognizable.

"28A. The offence under section 26 shall be cognizable."

Amendment of section 61A of, and insertion of new section 73A in, Bom. IV of 1890.

3. In the Bombay District Police Act, 1890,— Bom. IV of 1890

(*1*) in section 61A,—

(*a*) after sub-section (*2*), the following sub-section shall be inserted, namely :—

"(*2A*) The Magistrate trying the offence under sub-section (*2*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ;

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government," ;

(*b*) after sub-section (*4*), the following sub-section shall be added, namely :—

"(*5*) Any compensation awarded under sub-section (*2A*) may be recovered as if it was a fine imposed under this section.";

(*2*) after section 73, the following section shall be inserted, namely :—

Offence under section 61A to be cognizable.

"73A. The offence under section 61A shall be cognizable.".

STATEMENT OF OBJECTS AND REASONS.

The nuisance of stray cattle grazing in fields and damaging crops has, of late, been found to be on the increase. With a view to protecting food crops from damage, it is of utmost necessity to put a stop to the nuisance.

At present, letting animals loose, which may damage crops, is not a cognizable offence. Even if the cattle were impounded, the owner of the cattle is fined a paltry sum for the offence. The proposed legislation seeks to make the offence of cattle trespass cognizable. It also provides for the seizure of trespassing cattle by a watch and ward appointed by a Panchayat or any person authorised by the State Government, for confiscation of such cattle for the very first offence, for levying of higher fees when the number of cattle of the same owner is large or his cattle are impounded more than once, and for payment of compensation by the offender to the owner of the damaged crop.

(Signed) MORARJI DESAI.

Dated the 3rd August 1950.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 11th August 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Bom. Act XXXIV of 1950

~~B. A. BILL No. XXXIII OF~~ 1950.

A Bill to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

(As read for the third time and passed by the Legislative Council on the 10th October 1950.)

I of 1871.] 1890.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

I of 1871.

Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.

2. In the Cattle-trespass Act, 1871,—

(*1*) in section 10, after the words "or any part thereof" the following shall be inserted, namely:—

Bom. VI of 1933.

"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933, or any person authorised by the State Government in this behalf, either by name or by virtue of office,";

(*2*) in section 12,—

(*a*) the words "head of" shall be deleted

(*b*) for the words "Different scales may be prescribed for different local areas" the following shall be substituted, namely :—

"Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded and different scales may be prescribed for different local areas." ;

(*3*) in section 26,—

(*a*) the first paragraph shall be numbered as sub-section (*1*) of that section ;

(*b*) after sub-section (*1*) so numbered, the following sub-sections shall be inserted, namely :—

"(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ;

(*b*) that the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it was a fine imposed under this section." ;

(*c*) the second paragraph shall be numbered as sub-section (*4*) of that section and in sub-section (*4*) so numbered the words "the foregoing portion of" shall be deleted ;

(*4*) after section 28, the following section shall be inserted, namely :—

Offence under section 26 to be cognizable.

"28A. The offence under section 26 shall be cognizable."

Amendment of section 61A of, and insertion of new section 73A in, Bom. IV of 1890.

3. In the Bombay District Police Act, 1890,— Bom. IV of 1890.

(*1*) in section 61A,—

(*a*) after sub-section (*2*), the following sub-section shall be inserted, namely :—

"(*2A*) The Magistrate trying the offence under sub-section (*2*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ;

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government," ;

(*b*) after sub-section (*4*), the following sub-section shall be added namely :—

"(*5*) Any compensation awarded under sub-section (*2A*) may be recovered as if it was a fine imposed under this section." ;

(*2*) after section 73, the following section shall be inserted, namely :—

Offence under section 61A to be cognizable.

"73A. The offence under section 61A shall be cognizable.".

Bom. Act XXXIV of 1950

~~B. A. BILL No. XXXIII OF~~ 1950.

A Bill to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890..

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

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Short title.

1. This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

I of 1871.

2. In the Cattle-trespass Act, 1871,—

Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.

(*1*) in section 10, after the words "or any part thereof" the following shall be inserted, namely :—

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"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933, or any person authorised by the State Government in this behalf, either by name or by virtue of office," ;

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